№ 24(48)
December 1999

The Right to Freedom

The Bulletin of the Human Rights Centre "Viasna-96"



Minsk, December 1999.

THE YEAR OF HOPES AND DISAPPOINTMENS

This year Lukashenka will again have to lie when he appears on TV with his New Year Congratulations. One more year of his rule passed, one more step was made backwards away from independent, decent life.

What would the common people want, the people who may not be aware of the terms "the right to freedom", "right to work", "the right to rest and leisure", and «the right to life, liberty and security" after all? They want the state and the president to guarantee them decent living standards at present and in the future.

Lukashenka has been in office for five years. The country has also been plummeting all the time. Every other year it seems there is nowhere to plummet. But with every coming year, life is becoming worse and bringing disappointment. Our life seemed unbearable last year and now it is worse and worse. Let's consider economic reforms. Our neighbouring countries, the former Soviet Republics had long ago forgotten what inflation meant. The inflation in Belarus still has got the prefix "hyper". Officially the rouble devaluated more than 300 hundred times as much against US dollar this year. Respectively foodstuff prices boomed. Foodstuffs began to disappear from stores. Queues have became common, limitations of some products have been introduced recently. But our poor president however is not able to provide people with food. Mind his cliches, which have already become stories. Only had I taken care of "eggs", butter vanished." Add here unfavourable weather, resulting in poor crops only (one half of a regular harvest). Industry also experiences problems. Plants even if they function, work in vain: warehouses are stuck with ready-made goods, but nobody wishes to buy it, even Russia. We've got also energy problems. Petrol deliveries were unstable and villagers were constantly waiting for gas. Wherever you go - everywhere we've got problems.

This year is not ordinary because according to the Constitution Lukashenka is not the president any more. The vast majority of the western countries acknowledged that only Russia plays with Belarus and Lukashenka. There he is a very important person, there agreements are signed. Just imagine! Agreement on Belarus - Russia Union. Let's them have fun but however tasty the Belarusan candy might seem, Russia can hardly eat it. Whatever official sociologists may state the vast majority of us are against union with the country that wages a bloody war and got stuck in economic and political problems itself. That is the reason why the agreement was signed without putting it high on the agenda in Belarus.

(To be continued on p. 2)

CHRONICLE

On 8 December, **Syargei Malchyk, senior lecturer of the pathological physiology faculty of the Grodna State Medical Institute, dismissed from this establishment to show the protest against signing the unification treaty between Belarus and Russian Federation. He distributed the following statement: "Having signed a unification treaty between Belarus and Russian Federation on December 8 illegal president of the Republic of Belarus Alexander Lukashenka committed heavy state crime – he ruined the independence of the Republic of Belarus. We all are to blame for what has happened. But the administration of deferent enterprises and institutions including our Institute is to bear responsibility for it... Thoughtlessly carrying out the orders from above you put the policy of a puppet regime into practice..."**

On 13 December, **Andrey Klimaw, deputy of the 13th Supreme Soviet, was heavily beaten up by the officers of the investigation ward of the Board Administration of Internal Affairs. After that Andrey Klimaw was brought to the Leninski district court where the hearings of the criminal case instituted against A.Klimaw and the staff members of the open joint-stock venture "Andrey Klimaw & Co" were held. The OSCE Advisory and Monitoring Group in Belarus expressed concern about A.Klimaw's beating up and called the Belarusan government "Immediately investigate this incident and to provide Andrey Klimaw with the appropriate medical assistance in the appropriate medical establishment."**

(to be continued on p.p. 6-7)

The year of hopes and disappointmens

(continued from p.1)

While the life in the country was becoming worse, the authorities continued to push pressure on the opposition and the people dissatisfied with the present regime. The opposition organised a number of demonstrations to protest against the policy run by Lukashenka among them the most remarkable were: "The seeing off the President", held on July 21 and "Freedom March" – on October 17. Hundreds were arrested, sentenced and beaten up (exact figures to be given later). One of the remarkable events was the election campaign organised by the legitimate Supreme Soviet in January-May. We also experienced some tragic events. The former Minister of Internal Affairs Yuri Zakharanka and the chairperson of the Central Election Committee Victor Ganchar suddenly and mysteriously went missing while the former leader of the opposition Genadz Karpenka died. Mikhail Chygir the former Prime Minister and a candidate for presidency spent eight month behind bars. Several criminal cases were instituted against participants of the "Freedom March."

In short, we tried to show you the year, which made us even more miserable and distanced us even further from freedom, justice and human rights. What was positive? Probably one thing that the European Community became interested in the situation in Belarus, so the OSCE took an active part in trying to organise talks between the authorities and the opposition. The preparations were hard and slow, but no co-operation was ever reached because of the president. One of the former joint agreements about extending time for the opposition members to express their views on TV and on pages of the official press was ignored and the intermediary from Lukashenka's part Mr. Sazonaw was fired altogether...

What is to be done the next year? Citizens of Belarus have never been optimistic and the current events turned many optimists into pessimists. But it is what gives us hope. More and more people grasp that we must count on ourselves, not on assistance from somewhere. That means more people will be fighting against the totalitarian regime and the usurper with the aim of building independent and decent life in Belarus.

Andrey NALIVA



Minsk militiamen are preparing for "fight".

Defencelessness

Constitutional Court of the Republic of Belarus (all the judges of the Constitutional Court were assigned by Lukashenka himself) made a decision "About some measures of providing citizens with legal assistance during criminal proceedings." Having made this decision Constitutional Court proved what all human rights organisations had been stating long ago – law enforcement agencies used to deprive people of their Constitutional right to fair trial and defence during trials on the basis of one of the articles of the Criminal Code. Constitutional Court tried to eliminate this collision. Thus, article 49 of the Criminal Code stipulates that every detained person has the right to defence that must be provided not later than in 24 ours after detention. But simultaneously article 53 of the Criminal Code stipulates that a lawyer is allowed to meet with defendant only after the latter was accused. It means that defendant in this case might spend 10 days behind bars till he is accused because an accusation usually is presented during 10 days. This practice was widely used by law enforcement agencies. Unfortunately this decision has only a character of recommendation for its consideration was initiated by a group of citizens. This means that nobody is insured against breaching Constitutional provisions in the future as it used to be in the past...

Double treachery

Statement of the Central Co-ordinating Committee of the Russian party Democratic Union

In December Russian people and Belarusans can mark simultaneously two sad anniversaries. December 22 they will celebrate as anniversary of the common cage called the USSR. December 8 they will mark as a date when they after short free walking were put back again in this cage.

While Belarusan satrap Lukashenka who is already illegal president has always dreamt about handing his people to a little bit renewed Russian Empire and has never concealed it, still Boris Yeltsin's actions are less clear and that's why they are more perfidious.

Russia is a rather big country and threat from the west doesn't jeopardise us. State of Belarusan economy leaves much to be desired – it's a common knowledge. Nor logical reasons neither national interest could urge on B.Yeltsin to sign this unnatural treaty with Belarus. We do not understand why he being adhered to the rights and freedom politician and having a reputation of a reformer and rescuer of Russian people decided to finish his career in this way and left a bad reputation. Boris Yeltsin is finishing his second presidential term as a conscious torturer and punisher of Chechen people. He twice put Chechen people in the fire of war. And now he ties Russia to the Belarusan reserve of totalitarianism and to political outcast Lukashenka. And at last, though Yeltsin at the beginning of his presidency fought against Lubyanka now he is handing over the power in the country to a man who is colleague of Andropov, representative of Lubyanka – Putsin.

Motives of these actions are unclear for us. But our interpretation of them can't be changed. This is a treachery – treachery and breach of the Constitution. And now Russia that not long ago prayed for Boris Yeltsin has the right to curse him.

V.Novodvorskaya,
N.Zlotnick,
M.Kuzmenka,
V.Tsyareshchanka.

December 9, 1999.

MIKHAIL CHYGIR:
"I HOPE THIS PERIOD WILL SOON REMAIN ONLY IN MY MEMORY..."

On 30 November 1999 ex-Prime Minister Mikhail Chygir was released on a written pledge not to flee from prosecution. He spent behind bars in pre-trial detention 245 days. Mikhail Chygir is recognised prisoner of conscious by the majority of international human rights organisations. He stated that he hoped on a fair trial and was going to keep on political activity. Correspondent of a bulletin "The Right to Freedom" met with the most prominent prisoner of Belarus.


Mikhail CHYGIR

— Mikhail Mikalaevich, you spent eight months behind bars. Tell us, please, how do you feel now?

— Thanks God, everything is already in the past. In a week time after release it seemed to me that everything what had happened to me was not true. Thanks God, everything is all right! I feel well and hope this period will soon remain only in my memory.

I am waiting for a trial, for a fair trial. No educated, common and sensible people will ever support the accusations I am being charged with. Only investigators could write these accusations because they are not familiar with such notions as finances, credits, how credits are given, how they are returned what happenings might occur and what consequences one could expect and so on and on. They didn't consult with the Ministry of Finance, with the National Bank with experienced bankers from commercial banks. They decided about everything on their own. I advised them: "If you are so intelligent why you are investigators? Go to banks, to the Ministry of Finance, to the government. May be then all the problems will be solved."

If the specialists and experts were involved in the investigation process they would never find myself guilty. Of that I am perfectly sure. I need only an open trial and specialists and experts – each in his or her subject – and then accusations I am being charged with by investigators won't be supported.

— Mikhail Mikalaevich, tell us, please, whether accusations were changed during investigation process when you were imprisoned?

— Investigation committee charged myself with large-scale embezzlement during six months. They believed during six months I was guilty of committing this serious crime. But later they changed their opinion. Perhaps, head of the investigation group turned to be a conscientious man because they apologised for incriminating myself such a serious crime. Now they left only one accusation – power abuse.

— Today there are no doubts that "Chygir's case" is a political one. What do you think of it?

— I think that this case from the very beginning was a political one. All normal people understand it. World public supported myself as well as different international organisations including Organisation on Security and Cooperation in Europe. How this case will be finished is unknown yet. But today or tomorrow it'll be reconsidered. Anyway I will strive for it despite any court's resolution. I am realistic and understand that today they won't decline all accusations. But I am sure it will happen sooner or later.

— Tell us, please, some words about conditions in custody centre where you were kept and what are general conditions there?

— I must say that about 100.000 people are kept today in prisons and different custody centres in Belarus. It's too much for such a small country. Now about general conditions, if they might be called conditions, leave much to be desired. There is a lack of oxygen in the biggest part of cells, prison cells are overcrowded, and prisoners have very short time for a walking outside – from half an hour to an hour per day. It goes without saying that nutrition leaves much to be desired too. In short one can say that conditions in prisons are very bad.

As far as I am concerned I was kept in a cell with better conditions. I don't think there are a lot of such cells there in prisons. But they say that in the KGB isolator there are even better conditions in the cells. I was not alone in the cell. There were three more people. Prisoners are not left alone in the cells – God knows what might happen, what thoughts might down on him or her. It is done so to prevent people from committing suicides.

— Once we were in Stockholm and we were offered to visit common Swedish prison. All of us were impressed by conditions there and particularly by the fact that all prison cells there were meant for one person.

— As far as I know in Sweden real criminals are kept in prisons. In Belarus situation a little bit differs. For example, there was a man who stole three pine-trees in the forest (it is state property) in the custody centre. This man worked, had a family. He wanted to mend something and that's why he went to the forest. He sawed up three pines and was detained for this. It goes without saying he must be punished for what he has done. But tell me, was there a need to put him behind bars? They took away him from his family, from his children. He is kept in very bad - if not dangerous - for the health conditions. And who are the judges? Prosecutor and judge got their flats (state property) at expense of this man. Is this a justice? To fine him would be enough.

There are a lot of such examples. People are kept in custody centres, investigation isolators and prisons for nothing. It would be enough to fine the majority of them and leave them in peace. There are no building shops

(To be continued on p. 7)

THE TRUTH TOLD BY A COMMONER

A COUPLE OF DAYS FROM THE LIFE OF THE WOMAN FROM GOMEL TATSYANA TSERASHKOVA

We are all common mortals therefore a saying goes that "one should be afraid of helm problems, of getting in jail, but one should always be ready for becoming a beggar." For someone of us this is a pure theory, but someone it may transform into a dreadful reality...

This summer the chief accountant of the Gomel plant producing sports gear Tatsyana Lyavonawna Tserashkova asked for help a local department of the Human Rights Centre "Viasna". From that time and by now we had been with her, providing moral and legal assistance.

It all started for her on November 23, 1998. That day the militia and financial crime officers came to her work and showed to her a claim of her director, saying that Tatsyana excelled her authority by stealing two balcony frames. The militia demanded that Tatsyana should accompany them to her apartment. She refused to do that so they took her to the nearest charge office where she was questioned as a witness. Then Tatsyana was put behind bars together with men. In a couple of hours she was released. The next day turned out to be the copy of the previous one with the only difference that the militia told her that the criminal case was instituted against her. She was put in one cell with men, she was cuffed and left without water and food until dusk. After that she was taken home with other witnesses and the militia undertook a through search in her apartment. Meanwhile nobody seemed to care about balcony frames because the officers were allegedly searching for money and papers. As Tserashkova put it, no one cared to fill that she had never seen a search list.

Militia visits continued on 25, 26 and 27 of November. The militia wanted her to admit that she was illegally dealing with currency. She was constantly threatened to be brought to work in handcuffs.

On 1 December 1998 the director of the plant gave her an oral dismissal and on December 6 she was given a written order according to the article 33 paragraph 3 saying that she was dismissed from 12 December.

The fact was that Tatsyana fell ill on 11 December and was taken to hospital. The director and the militia kept on calling up the hospital staff informing them of a criminal who sought shelter. As a result she was discharged from the hospital earlier being still ill. After that (on March 5, 1999) the director again fired her according to that very article.

Tatsyana was arrested the next day. She was put in jail and kept there more than two months. We would like to make a little come back and say that Tatsyana never gave up to search for truth. Many times she tried to find help of the president, the Attorney General and the District Attorney. But every so often she sent letters to them, her complaints always came back to the people she was so severely fighting against. The human rights organisations as "Viasna" and Belarusan Helsinki Committee were the only ones she could trust. She even sent a letter to the OSCE.

The true facts of her life in prison and later were described by her in the letter to the ambassador of the OSCE Advisory and Monitoring Group in Belarus Mr. Vieck. She wrote the following:

"When I worked at the Gomel plant and rightly fought for the interests of the plant to be fulfilled, I became the person whom the director of the plant Mr. Chychykaila wished to get rid of.

A couple of times militia officers Mr. Balotnikov and Mr. Kulaga used to take me to their – charge office and put in one cell with men. They illegally made searches in my apartment. It was because the director Mr. Chychykaila claimed that I had stolen two balcony frames.

On March 12,1998 according to the subpoena I went to see the detective Aleinikaw. I spent all day behind bars and in the evening the detective on sanction of the District Attorney Mr. Laskin ordered to put me in jail and kept me till May 10, 1999. It was only the April 8, 1998 when I had been lodged a formal charge. I declined it.

From March 12 to April 17 (37 days) I had been on a hunger strike and declared it in a written form. As I was sick I could not even move but nobody provided any medical help for me. Moreover, on March 21 I was locked up in a punishment cell till March 31.

On March 24, 1999 I had to undergo a psychiatric test and I was found mentally healthy.

While on a hunger strike I was forcefully fed through a tube put into nostrils. First they cuffed me, and then four strong men tried to open my mouth. They put pressure on my jams, ears and temples. The fifth was the doctor holding my legs and the sixth man was busy putting the tube in my nose.

Finally I was taken to court and the judge Mss. Garlenka found me guilty. I was fined for 60.000.000 roubles.

Moreover on 16 July misruling was turned down by the Regional



Court and passed the case to reconsideration.

On September 22, 1999 the judge Krawchanka ruled against my right to have the same position at the same plant. At the hearings I was given a subpoena to be at the court at 10.00 on the criminal case. The name of the judge was not written. A man rushed into the courtroom many times demanding to end up the hearing because he needed me. As it turned out it was the judge.

My rights were violated even during my stay at the hospital. Nobody even cared to give me any treatment again. On July 1, 1999 I turned to the head of the Regional Health Department but I got no reply. The trade union, which I cooperate with, filed a suit to court for compensation of my moral harm. The court wouldn't consider it. I addressed the President, the Attorney General and the District Attorney many times but in vain.

I am not able to protect my rights alone. I kindly ask you to protect my human rights and my life. September 23, 1999."

Then what? The hearings...

On October 6 and 12, 1999 the court hearings under the head of the judge Mr. Labunets were held. The court overruled the decision from May 10, 1999 and lifted charges off Tatsyana, because her wrongdoings were not the subject for criminal liability... So why on Earth was Tatsyana put in jail? Why was she kept in the cell, why?

But Tatsyana was not satisfied with court's decision, so she lodged an appeal in the District Court. Tserashkova is convinced of not having been guilty at all.

Thus, the story is not finished yet. Anyway, our law enforcement system works in the way that a commoner can hardly protect his or her human rights because the system mercilessly grinds people's lives. One should have courage, persistence to protect his or her truth, the truth that nobody would want to hear.

Tatsyana continues to struggle but it is of course a long-term case. But still we are glad to congratulate Tatsyana on her release, which was very important for us and for her.

This story has a lot of details. We could try to go into it to find why Tatsyana was tortured and chased. Were there any stolen balcony frames? If there were, why not registered? Were they properly made or who was responsible for their shipment? Well, it is surprising that neither the courts nor the militia wished to make a proper investigation.

Uladzimir VALEWSKY

THERE USED TO BE A HOUSE

The story started quite ordinary and the main heroes could not even think of a possibility to have any problems. The private plot of land with the house, owned by Palyakova Alexandra Iosiphawna and her son Palyakow Alexander Mikalaevich in the little street Dalyoki was to be allotted for construction of a multi - storied building. The contractor was the concern "Minskbud", headed by Minsk State Executive Committee.



Well that was all right. The Palyakow's were quite aware of the necessity of building new apartments in the city. More over, according to the law and the Construction code the Palyakow's could insist on getting a plot of land, similar to their former one in any area of the city for building a new house or if, they wished, the family could hope for compensation, equal to the cost of their house.

The Palyakow's decided on the latter alternative. Their motivation was to preserve their own mode of life, settled by the time, they lived in the house, the strong wish to have a garden, a garage and a barn. Besides, the family had a plot of land at their disposal bringing some extra financial benefits.

A garden nowadays is not much. We hope everybody agrees upon the legitimacy of their wish even more than "Minskbud" had not to suffer any loses or bring any efforts.

But it is where the problems started. Nobody gave a two pence what the Palyakow's wanted, their claim was not processed and in conformity with the decision №1054 of the Executive Committee, their plot of land was ordered to become a property of "Minskbud". The family was merely given a "handout": two miserable single apartments in the suburbs of the city.

The Palyakow's were shocked and sent a complaint first to the Council of Ministers and then to the administration of Lukashenka, but it was like water off a duck back. More over, the concern filed a suit to Leninsky court to make the Palyakow's leave their own land with reference to the above mentioned decision of the Executive Committee. The court ruled in favour of the Executive Committee. The Palyakow's counter acted by filing a suit to Maskowsky court with the intention to prove the violation of their rights and the article 11 of the Constitution by the Minsk Executive Body. But the court overruled their objection without even giving reasons for that!

The lack of professionalism of the judges really amazes us. What they had to do to convince themselves in the legitimacy of the suit, was just to open the "Land and Construction Code". But, probably, the judges were given orders from somebody else. Meanwhile the article 51 of the Land Code in force till the 1st of January 1999 and the article 68 of the present Code guarantee that the land owners will be allotted equivalent plots of land in case the authorities should decide to use their lands for the state and civil needs.

The Minister of Justice G. Varantsow confirmed the legitimacy of the article in reply to the Palyakow's inquiry. The Minister made it simple and understandable, so the Palyakow's hoped that the justice would be done and filed the suit to the Minsk City Court.

According to the law, an appealed decision could not be enforced. None the less, this turmoil continued and reached its apotheosis in November 30 when the court marshals Mr.Yawkhimenka and Mr.Svistunow came to evict the Palyakow's forcefully, accompanied by a militia squad. The house was taken by assault. Ten militia officers knocked the door down got the old woman and her son out doors with their hands behind their back. Then, the belongings of-any value were piled and taken away. Unfortunately, the things of the Palyakow's were not moved into their apartments but brought "God know where."

The owners of the house were warned that unless they got out of there quickly, we cite "unless they pack up their belongings all that would be pulled down."

Thus, the law-abiding people lost the case. They lost their house and lands. Moreover they lost any respect for the country, humiliating its citizens like that.

Alyaxei SHYDLOWSKY

***P.S.* As it was informed in December the house and all the buildings around belonging to the Palyakows were ruined...**

Events Facts Comments

(Beginning on p.1)

On 13 December, ex-head of the National Bank of the Republic of Belarus Tamara Vinnikava gave an interview on the radio BBC. Tamara Vinnikava was arrested on 14 January 1997 and being guarded disappeared on 8 April 1999. Tamara Vinnikava was accused under several articles of the Criminal Code of the Republic of Belarus: power abuse, large scale embezzlement, forgery and etc. In her interview to the radio BBC T.Vinnikava told the following: "I was kept ten months in a cell meant for one person. And there is no need to say how the KGB prison is designed – it looks like a coffin. It was made so to pressurise psychologically the prisoners... The building was built up in 1926. The walls of the prison saw all tortures of 1937. There is no water at all in the cell either hot or cold one. So you can't wash up yourself if there is a need for. Only thrice a day according to the strict order you'll be brought to the "public" WC meant for all prisoners. I am a woman but only men guarded me... I was deprived of a possibility to correspond with my relatives and to meet them either. I was not allowed to use services of a lawyer. I was only allowed to speak with him through doubled glass in the "guestroom". I was deprived of medical assistance... After ten months of such conditions they released me on written pledge not to flee from prosecution. But I was not allowed to back home. They allowed me to back to my son's flat and perhaps only for its close location to the KGB and the Ministry of Internal Affairs. So I was under strict supervision of the "best people" of the regime. All days long there were these people in the flat... As you understand it's impossible to escape from such people. It's very difficult..."

On 14 December, Andrey Sakharov died ten years ago – a prominent scientist and most famous human rights activist of the USSR, a politician and a publicist...

On 15 December, trial over Vyachaslaw Siuchyk, deputy chairman of the Belarusan Popular Front "Adradzhennie", took place. He was charged with the organisation of the action of protest against signing of unification treaty between Belarus and Russian Federation, which was held on December 8. Judge of the Minsk Savetski district court Ina Sheika fined V.Siuchyk 217.5 million roubles ($ 300).

On 16 December, workers of the Minsk Automobile Plant gathered near the checkpoint of this plant at 11.00 a.m. and organised unauthorised meeting of protest. The point is an administration of the plant sent away trade union organisation from the territory of the plant on December 8. The prosecutor of the Minsk Zavadzki district supported the Plant's administration. Workers that very day gathered again at 16.00. The militiamen detained seven workers. Among them were M.Marynich, D.Plisa, N.Zimin, U.Troshchy, V.Kaz'yanaw, M.Ramanaw, S.Pawlovich. They twisted M.Marynich's arm. Trials over detained workers began on December 20 in the Minsk Zavadzki district court. The workers were charged with organisation of unauthorised meeting and a picket. D.Plisa was fined 29 million roubles under art. 167.1 (part 2). Before the trial judge declined D.Plisa's petition about V.Babayed's access to the trial (trade union representative), in capacity of public defender. Though V.Babayed referred to the resolution №1 of the Supreme Court adopted on 25 March 1999 and to article 62 of the Constitution of the Republic of Belarus, which provide the right for a defendant to legal defence in the trial and to service of public defenders. To this actions the judge answered by asking: "What sort of Constitution?" Courts over the rest workers detained on December 16 go on.

On 17 December, there happened an incident in the city court of Baranavichy. The lawyer Zoya Gawdzei came in the study of the judge T.Ruzhyk to hand her documents about her participation in the court hearings. The judge began shouting at her saying that Zoya Gawdzei always defends opposition politicians on the trials. Zoya Gawdzei closed the door and made for the courtroom. When judge T.Ruzhyk began the process she saw that Zoya Gawdzei recorded the process on the tape. T.Ruzhyk again began shouting at the lawyer right before the audience. Zoya Gawdzei felt unwell. She asked to send somebody for a doctor. The judge began shouting at the lawyer yet more heavily demanding health certificate. Zoya Gawdzei went out from courtroom and called for ambulance. While a doctor was giving an injection to Zoya Gawdzei the judge broke into the room and again kept on shouting... The lawyer is in hospital now and didn't recover consciousness yet. It should be mentioned that T.Ruzhyk's demands were illegal. Special permission isn't required for tape-recording according to the law. It is required only in cases of video recording or making pictures in the courtrooms during a trial.

It was not first case when judge T.Ruzhyk behaved so rudely. The alike case happened a couple of months ago when she declined participation of representatives of "Viasna" – A.Byalatski and V.Stefanovich – in capacity of public defenders of a chairman of the local organisation of the BPF "Adradzhennie". At that time a trial over Mr Sevyartsaw was held. And T.Ruzhyk behaved rudely and eccentrically too.

On 17 December, Belarusan Helsinki Committee headquarter was robbed. Unknown people stole three computers: a computer with database of four years work period, a computer for publishing goals with lay-outs of two issues of the human rights bulleting "Arkush" and a computer of a secretary. The day before the robbery they cut off electricity in the location. All the requests of the BHC staff members to mend the electricity were declined in spite of the fact that the headquarters of the BHC is based in the building, which belongs to the presidential administration...

On 18 December, G.Samoilenka, member of the National committee of the United Civic Party and simultaneously member of the BPF "Adradzhennie" organisation, was released at 19.00 from the isolator of the Brest Leninski district Administration of Internal Affairs. He was accused for breaking art. 167.1 of the Administrative Code of the Republic of Belarus. On 24 November he together with many other citizens protested the signing of the unification treaty between Belarus and Russian Federation by staying in a chain with lighted candles.





Minsk, December 1999. One of the confrontations...

For this he was detained and then accused. Ten days of detention he was on hunger strike protesting repressive court verdict.

On 21 December, the US State Department made a statement: " Slaughter of Andrey Klimaw, deputy of the 13th Supreme Soviet, points at the deepness of political crises in Belarus and its self-isolation from Euro-Atlantic community of democratic states. Deputy of the Supreme Soviet was beaten up in prison by guards. He has been kept in pre-trial detention since February 1998 under politically motivated accusations. Belarusan authorities are to take measures for investigation of this incident and to punish guilty men. The USA government calls Belarusan authorities to set free Andrey Klimaw and other political prisoners."

On 24 December, the Prosecutor's office of the Republic of Belarus declined the petition of Andrey Klimaw's defence to institute criminal proceedings against people involved in A.Klimaw's slaughter. Prosecutor's office representatives stated that they carried out a check and the latter proved that the guard actions were legal ("forcible bringing to the court"). It should be mentioned that the ambulance was called and according to first medical examination Andrey Klimaw had cranium trauma and abdomen trauma.

On 27 December, law "About changes and amendments to some legislative acts of the Republic of Belarus" signed by A.Lukashenka came into force. According to this law amendments to the Administrative Code and to the law "About press and other mass media" are to be made. There will appear in the Administrative Code of the Republic of Belarus articles 167.10 and 167.11. Article 167.10 stipulates responsibility for activities of unregistered or not re-registered political party or non-governmental organisation (warning or fine from 10 to 50 minimum wages). Repeated activities within a year term might be punished by a fine from 50 to 100 minimum wages or by a detention up to 15 days. Article 167.11 stipulates a fine up to 30 minimum wages in case an organisation or political party didn't present to the register body the data about changes in juridical address. ■

JUST A LITTLE BIT TO FACILITATE THE LIFE...

HUMANITARIAN ACTION OF THE HUMAN RIGHTS CENTRE "VIASNA"

There live 2 million 657 thousands pensioners in Belarus (it means every fourth Belarusan citizen is a pensioner) according to the latest statistical data. Today more than 50 per cent of Belarusan pensioners get pensions less than a minimum consumer budget. There are about 90 per cent of such people in Brest region... While in countryside pensioners have their own personal plots to survive in the cities they very often have no money to buy even bread... The most vulnerable people in this respect are those who have no children. Without wide public assistance they will not survive... That is why this Fall the Human Rights Centre "Viasna" in association with the Committee of public self-ruling of the Minsk Housing Operational Service №66 located on Lyn'kow Street conducted a charitable action. HRC "Viasna" handed to the Committee of public self-ruling the humanitarian aid, which was delivered among pensioners and invalids. More than forty families received some things – coats, jackets, shirts, trousers, sweaters... Raisa Tarasiuk, chairwomen of the Committee, and her assistant Ganna Tryfanava were those people who received and then delivered humanitarian aid among people who needed it.

Who are those people who need today this help? How much we know about these people? About how they manage to survive under today's circumstances? Let us meet with some of these people?

As an example let's take Larysa Alyaksandrawna Khamitsevich. She is restrained in words and emotions woman. She has been on pension already several years. Her pension is about 7 million roubles (less than $ 10). She is a widow. She lives together with her daughter, who is an invalid. Larysa Alyaksandrawna's daughter was very unhealthy child in her childhood. And once together with injection she got a heavy and dangerous disease – encephalitis. Her daughter is now 26. And daughter's disablement relief is also 7 million roubles...

There is a Maiseichyk family. Dzmitryi Ivanavich (head of the family) is actually on pension. He worked as a driver forty years. Last years of his working carrier he was an eighteen-wheeler's driver. In 1992 three days before his pension time he had an apoplectic stroke. He overcame this disease but one hand of him is still partly paralysed. He is a diabetic. A year ago after long and unsuccessful attempts to cure sores on his right leg he lost it – the leg was amputated. So he was forced to register as a disabled person. Dzmitryi Ivanavich Maiseichyk comments on why these sores appeared in the following way: "I and some other drivers were away on a commission not far from Gomel on 26 April 1986. All drivers of eighteen wheelers were forced to bring loads from Chernobyl zone at that time. Nobody explained anything. On 29 April 1986 I was in Chernobyl itself. When I went back to Minsk my car was not even allowed to garage. They said nothing how to protect oneself from radiation. But to be exact they gave us doubled wages after that commission. After that I had two heart attacks..."

Dzmitryi Ivanavich had a daughter and a son. But they live separately and far each from another. In a social aid department Dzmitryi Ivanavich was given a carriage for disabled persons. But it can't pass through the lift doors. Dzmitryi Ivanavich managed to change it. But there again appeared a problem. Now he was able to go down in a lift cabin but on the ground flour there are 8 more steps of stairs to overcome – our houses are not fitted for disabled people. So if you want to go outside you must sit and wait until simultaneously two big men come up to you and help you...

There is one more example. Mariya Mikalaewna Ivanova is on pension now. Almost all her life she worked on boot and shoe factory "Pramen" (ray). Now she is 71, her pension is 12 million roubles. Her husband together with little daughter had an accident. Their daughter was heavily injured but she survived. Now she is 43 and is registered as a disabled person of the 1st group. Her disablement relief is 6 million roubles...

Other pensioners who got humanitarian assistance have the same fates. All they have not enough money to buy even food not speaking about cloths and other things.

The Human Rights Centre "Viasna" would like to express gratitude to Volga Zhdanovich who gathered this humanitarian aid. Special thanks we'd like to say to priest Uladyslaw Zavalniuk who helped a lot. We say thank you on behalf of those people who received your aid.

Valery FILIPAW

"I HOPE THIS PERIOD WILL SOON REMAIN ONLY IN MY MEMORY..."

(Beginning on p.3)
in the village and what is more the level of wages in Belarus eliminates the possibility for people to buy things that they want. People are left nothing but to go to forests for the raw building materials... To my mind we should make conditions for them. If people had money, conditions and possibilities the majority of them would never steal anything. But we politicians didn't make for our people appropriate conditions. And we are to blame for that too. There are a lot of questions. And they must be solved as fast as possible...

From editorial board: it was planned to conduct court hearings on December 27. The point is Mikhail Chygir's case was not transferred to the court. And this is a violation of the law that's why deputy chairman of the Supreme Court being under influence of the public protested against this decision. On December 22 Supreme Court's collegium on criminal cases disaffirmed this decision. It stated: "According to article 223 of the Criminal Code of the Republic of Belarus a case that is not finished and not transferred to court to decide can't be considered and a man can't be brought to book.

While making decision the court didn't follow to the requirements of the law.

Besides the court broke some more provisions of the law."

So, court's decision was disaffirmed and today nobody knows when a trial will consider Mikhail Chygir's case.

Interviewed by Tatsyana RAVYAKA

ALES BYALATSKI

ONLY TWENTY FOUR HOURS,

OR REPORT FROM THE CHARGE OFFICE

"Come here, — said the officer on duty, — put your signature here. Be back in the morning, then go to our boss and bell him how you got here. We will decide what to do with you. I"ll put it here as if you were not drunk."

A happy student run away. The other one on the contrary went on crying. "Why the devil, are you crying", - asked him the officer. "I was thinking to join KGB," - cried the boy. "You should have joined it first and then you could drink vodka as much as you want," - the officer went on teaching the guy. I could have joined it. I have got influential people there," - the guy tried to explain. "Nobody take us anywhere, we"ve got no protection," — the officer noted to himself.

Suddenly, a black-haired captain emerged, who went home to take an insect killer. "It"s OK," - he said shaking snowflakes off him. Two sergeants came in after him - the patrolmen.

We were split into groups of two and put into cells. My co-prisoner and I got into the so-called "glass": a small cell for two. We went "for a ride" through Minsk to pick the other poor boys. The militia used to have gas problems so the patrolmen car has intended for that very matter.

In Pershamaisky Administration of Internal Affairs the officers put a short thin boy to our cell, who almost at once sat on the floor beside us. "What did they take you for?" - asked my neighbour. "Robbery," - replied the boy. "How old are you?" - my neighbour was really surprised. "Fourteen," - said the boy. He looked twelve at the very best.

Then we rode to Dabramyslenskaya St. to the detention centre where we stopped for an hour and nearly froze to death. After four hours of this ride the police car pulled over at the Akrestinsky detention centre. We came in as if in our own house. We were dreaming of a warm cell and wooden beds where after all we could sleep.

I was put into the fourth, single cell, where I finally settled down and fell asleep. I slept over the check-up and heard the officer coming in for a sec. I moved my leg to show that I'm still alive and went on sleeping.

I was woken up at about 10 o'clock thick-faced carpal came in, and ordered me to get ready because the car was already there. It was another car. Then I was not locked up. I sat on a separate bench between the barred doors.

"What was the reason they took you?" - asked the ensign. "For October 17," - I replied. "Seems you are a big guy,"- said the officer, grinning. "Not that big," - answered I. "And what of it, what that you need for? If you were at the helm, you would do the same." "Who knows, well, anyway, we wouldn"t let that union with Russia signed." The ensign said: "When in the USSR I earned a hundred and forty roubles per month and that was enough." "Forget it, - I said firmly, knowing he wouldn"t understand what I meant. - You can't live in the past. Better think about the future. I don't want my children to go to Chechnya." "Neither do I", - the ensign said. "It is not as bad as it is," -I thought.

They waited for me at Savietski Administration of Internal Affairs where the captain Levanovich escorted me to militia "Ford" and we went to the detention centre near the Kamarowsky market and then to the court. I was glad to change the cold militia car to the "Ford" in which I felt better and warmer.

In the detention centre I was brought into one of the offices for about ten minutes. Then I was told that the judge was too busy, that the trial was being adjourned and that I would be given a subpoena for Tuesday. I felt that would be better for me, but I was still unaware why they released me. Only in a couple of days I was informed that the judge talked with Mr. Latypaw (the Minister of Foreign Affairs) in Istanbul during the summit of OSCE countries. Probably a directive came from Lukachenka's administration: "Let him go! For God Sake!"

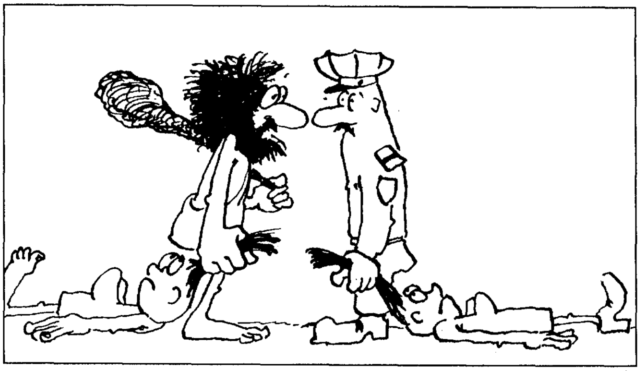
The judge indirectly confirmed it because speaking with my lawyer she told her that she never saw a case issued against me. That means, that the police didn't hand it over to the judge waiting for the summit to end and then take care of me.

I went across the crowded "Kamarowka" through counters abundant with apples and persimmon on my way to the office of the Belarusan Popular Front and it was so good to be free inasmuch as two previous times this year when I used to spent time in the detention centre.

I spent a day, a single day in the vice of militia. Sick country cannot possibly breed healthy militia, courts, jails, and prosecutor's offices. The system is rusted from inside. We will have to change it all when the time for it comes. Every day of such life is a misery and a shame for all of us.

I often think that our reality is just a preamble. The real work, the real struggle for Belarus and its people will begin afterwards. After we... Then we'll have to prove what we are worthy of. Democratic changes in our society, independence and freedom - these are the things we have to work at and I wish\we did it properly.

(Continuation.
Beginning in № 22-23)



The Right to Freedom. The Bulletin of the Human Rights Centre "Viasna-96".
Address: 220013, Minsk, p/b 49. E-mail:vaisna 96@open.by Published twice a month in Belarusan, English and Russian languages. Circulation 299 copies. Editor-in-Chief Ales BYALATSKY.

In this number pictures by A.Karpovich and photos from the Centre "Viasna-96" archives are used.